

**BEFORE THE  
SOUTH CAROLINA PUBLIC SERVICE COMMISSION**

<b>IN RE:</b>	)	<b>Docket No. 2009-144-C</b>
	)	
<b>Application of TracFone Wireless,</b>	)	
<b>Incorporated for Designation as an</b>	)	
<b>Eligible Telecommunications Carrier in</b>	)	<b>MOTION FOR CONFIDENTIAL</b>
<b>The State of South Carolina for the</b>	)	<b>TREATMENT</b>
<b>Limited Purpose of Offering Lifeline</b>	)	
<b>And Link Up Service to Qualified</b>	)	
<b>Households</b>	)	
	)	

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TracFone Wireless, Inc. ("TracFone") hereby submits this Motion pursuant to S.C.Code Ann. § 30-4-40(a)(1) (Supp. 2006) to request confidential treatment of TracFone's late filed hearing Exhibit No. 2, which provides SafeLink Wireless Lifeline service subscriber information ("Lifeline subscriber information") that the Commission requested TracFone provide during the September 3, 2009 hearing in the above captioned docket. Specifically, TracFone requests an order by this Commission, (1) declaring that its Lifeline subscriber information is confidential and proprietary; (2) affording the Lifeline subscriber information confidential treatment; and (3) protecting the subscriber information from public disclosure. In support hereof, the following is respectfully shown:

1. The name and address and of the Applicant are as follows:

TracFone Wireless, Inc.  
9700 N.W. 112th Ave.  
Miami, FL 33178

2. Correspondence or inquiries regarding this Motion should be directed to:

Nelson Mullins Riley & Scarborough, LLP  
Jeremy C. Hodges  
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3. TracFone's Lifeline subscriber information contains data pertaining to the number of subscribers throughout the United States.
4. Pursuant to the South Carolina Freedom of Information Act, this Commission is permitted to withhold from public inspection certain categories of information, including trade secrets. "Trade secret" is defined, in pertinent part, as "unpatented, secret, *commercially valuable* plans, appliances, formulas, or processes, which are . . . generally recognized as confidential and work products." S.C. Code Ann. § 30-4-40(a)(1) (emphasis added).
5. TracFone's Lifeline subscriber information is proprietary business and financial information regarding the number of subscribers to Safelink Wireless Lifeline service throughout those states where TracFone has been designated as an ETC. The public disclosure of these materials would cause serious competitive harm to the company and would reveal confidential details and competitively sensitive data (number of enrolled customers) that could hinder its competitive position in the telecommunications marketplace of South Carolina and the United States. Because this information goes to the heart of the company's business and competitive strategy, its public disclosure would be both economically damaging to TracFone and economically advantageous to its competitors.

6. TracFone treats its Lifeline subscriber information as confidential and highly proprietary. TracFone does not publicly disclose this information or these statements, and they contain more detailed information than is publicly available on its web site or other public source.
7. The materials in question are “generally recognized as confidential” as required under the South Carolina Freedom of Information Act.

### **CONCLUSION**

For the above stated reasons, TracFone requests that the Commission enter an order finding that TracFone’s Lifeline subscriber information is proprietary and confidential, and that the Commission and other parties shall treat it as such to avoid their disclosure to TracFone’s competitors and the public. This confidential treatment is necessary to protect the company's proprietary trade secret information and competitive position in the telecommunications marketplace of South Carolina and the United States.

TracFone hereby submits in a sealed envelope for in camera inspection by the Commission the material for which protection is being sought, designated as TracFone’s Late Filed Exhibit No. 2, and requests that the Commission preserve the confidentiality of that document while this motion is under consideration and return the Lifeline subscriber information to TracFone via its undersigned counsel in the event that this motion is denied.

*Signature Page Attached*

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH, LLP



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*Attorneys for Applicant, TracFone Wireless, Inc.*

September 10, 2009

<b>IN RE:</b>	)	<b>Docket No. 2009-144-C</b>
	)	
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5